

STATEMENT OF PURPOSE

RS21148C1

Prior to July 1, 2010, sexual relations (as defined) with a girl who had not reached the age of 18 was considered rape, even if both parties had participated willingly. S1385 amended the definition of statutory rape, effective July 1, 2010, so that statutory rape included only such acts when the offender is age 18 or older and the victim is under age 16 (rather than 18), or the victim is 16 or 17 and the offender is 3 or more years older than the victim. Similar changes were also made of the male rape statute.

This new legislation amends the Sexual Offender Registration Act to take S1385 into account with respect to statutory rape convictions entered prior to July 1, 2010. Under this new legislation, those who were convicted prior to July 1 2010, but would not have been convicted if S1385 had been in effect at the time of their conviction, could petition the court to be removed from the Sexual Offender Registry. They would be eligible to do so if and only if they could not have been charged for statutory rape under current law as amended by S1385. It also makes a technical correction by eliminating excess language regarding the rare event that the defendant is exactly three (3) years older than the plaintiff.

FISCAL NOTE

None.

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